

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.18408 of 2007

Date: 30.08.2007

Between:
K.Sivarama Prasad and another.

... PETITIONERS

AND

The Government of A.P. and others.

... RESPONDENTS

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ORDER:
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The petitioners claim to be the owners of land in Sy.No.385/2 of Gudapalli Pallipalem Village of Malkipuram Mandal, East Godavari District. They allege that the respondents are trying to lay a road across their land without acquiring the same and without paying the compensation.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The land held by a private individual cannot be taken over or utilized by the Government, even for public purposes, unless it is acquired in accordance with the provisions of the Land Acquisition Act, 1894 (for short 'the Act') or the consent of the owner is obtained. The petitioners categorically state that no proceedings were initiated against their land under the Act nor they have given their consent. In that view of the matter, the respondents cannot undertake any activity to lay a road across the land of the petitioners.

Hence, the writ petition is disposed of, directing that the respondents shall not dispossess the petitioners or otherwise utilize the land in Sy.No.385/2 of Gudapalli Pallipalem Village of Malkipuram Mandal, East Godavari District without initiating proceedings under the Act and without obtaining the consent of the petitioners. There shall be no order as to costs.

30.08.2007

Note: Issue cc in two days.

(B/o)

kdl